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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,881	10/24/2001	Gary Rasmussen	577172003200	4280
43997	7590	09/21/2006	EXAMINER	
OPTV/MOFO				SALTARELLI, DOMINIC D
C/O MORRISON & FOERSTER LLP				ART UNIT
1650 TYSONS BOULEVARD, SUITE 300				PAPER NUMBER
MCLEAN, VA 22102				2623

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/041,881	RASMUSSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dominic D. Saltarelli	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>5/1/06</u> .	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. (5,708,845) [Wistendahl] in view of Lonnroth et al. (6,826,597, of record) [Lonnroth].

Regarding claims 1, 8, 13, and 19, Wistendahl discloses a method for creating links to enhanced content on a video stream (col. 2 line 30 – col. 3 line 50) comprising:

creating a template that defines at least one attribute for a hot spot (col. 10, lines 5-15);

enabling a user to halt said video stream so as to provide a single video frame for viewing (col. 6, lines 62-65);

providing a graphical user interface for receiving from the user a geometric outline defining a hot spot on said single video frame (col. 9 line 66 – col. 10 line 5);

assigning enhancement attributes to said hot spot based on said template (col. 10, lines 5-57);

storing said hot spot and said attributes in a generic format (col. 4 line 60 – col. 5 line 15);

embedding said hot spot and said attributes into a video stream (the hot spots and IDM program are multiplexed together with video data sent over the same data transmission link, col. 6 line 40 – col. 7 line 13); and

displaying said hot spot using a first set top box on a video screen and allowing a viewer to access said hot spot whereby said viewer may access said enhanced content (col. 4 line 60 – col. 5 line 15).

Wistendahl fails to disclose translating said hot spot and said attributes from said generic format into a first format prior to embedding.

In an analogous art, Lonnroth teaches a method for translating client requested data into a format compatible with the client device (col. 3, lines 13-31) wherein content is converted into a format determined to be compatible with the requesting client prior to delivering the content to the client (col. 7, lines 40-50; col. 8, line 20 – col. 9 line 24), providing the benefit of allowing a single application to be compatible with many different types of clients (col. 10, lines 25-60). Wistendahl teaches cross platform compatibility is accomplished by loading

the desired IDM program from a separate peripheral device (Wistendahl, col. 7, lines 29-36); a limitation which is alleviated by the teachings found in Lonnroth.

Regarding claims 2, 14, and 20, Wistendahl and Lonnroth disclose the method of claims 1, 13, and 19, further comprising translating said hot spot and said attributes from said generic format into a second format and embedding said hot spot and said attributes in said second format into a video stream (Lonnroth teaches the format is dependent upon the requesting client, col. 10, lines 35-40, and thus two different clients would receive two different formats, which requires a change to the template [the IDM taught by Wistendahl]).

Regarding claims 3, 15, and 21, Wistendahl and Lonnroth disclose the method of claims 1, 14, and 19, wherein said translating is accomplished by an XSL translator (Lonnroth, col. 9, lines 1-24).

Regarding claims 4, 12, 16, and 22, Wistendahl and Lonnroth disclose the method of claims 2, 8, 14, and 21, wherein said first format is adapted to be displayed on a first set top box and said second format is adapted to be displayed on a second set top box (the first and second clients are requesting set top boxes, as taught by both Wistendahl, fig. 3, set top box 32, and Lonnroth, col. 10, lines 53-60, and thus the template information used in filtering would include

the types of set top boxes which can display the hot spots, Lonnroth, col. 9, lines 25-38).

Regarding claims 5, 9, 17, and 23, Wistendahl and Lonnroth disclose the method of claims 2, 8, 14, and 21, wherein said first format comprises a first set of visual attributes and said second format comprises a second set of visual attributes, said first set of visual attributes and said second set of visual attributes having at least one dissimilar attribute (Lonnroth, col. 8, lines 20-53).

Regarding claims 6, 11, 18, and 24, Wistendahl and Lonnroth disclose the method of claims 2, 8, 14, and 21, wherein said first format comprises a first set of URL links and said second format comprises a second set of URL links, said first set of URL links and said second set of URL links having at least one dissimilar URL link (the IDMs being customized for each client comprise hyperlinks to World Wide Web pages or other services on the Internet, Wistendahl, col. 4 line 60 – col. 5 line 15, and Lonnroth teaches different clients will receive different links, col. 4 line 57 – col. 5 line 3).

Regarding claims 7, 10, and 25, Wistendahl and Lonnroth disclose the method of claims 2, 8, and 21, but fail to disclose said first format is adapted to a first language and said second format is adapted to a second language.

Examiner takes official notice that it is notoriously well known in the art to customize applications by translating the application into different languages, allowing people who speak different languages to understand the same display of textual or spoken information.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Wistendahl and Lonnroth to include said first format is adapted to a first language and said second format is adapted to a second language, for the benefit of allowing people who speak different languages to understand the same display of textual or spoken information.

### ***Conclusion***

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. ( ) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



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